

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 2:16 CV 40 CDP
)	
CURTIS RODGERS, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

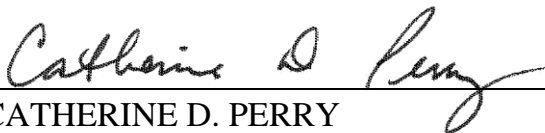
This matter is before the Court on defendant Curtis Rodgers' motion for appointment of counsel. There is no constitutional or statutory right to appointed counsel in a civil case. *Nelson v. Redfield Lithograph Printing*, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors including (1) whether the pro se party has presented non-frivolous allegations supporting his prayer for relief; (2) whether the pro se party will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the pro se party's allegations; and (4) whether the factual and legal issues presented by the action are complex. *See Battle v. Armontrout*, 902 F.2d 701, 702 (8th Cir. 1990); *Johnson v. Williams*, 788 F.2d 1319, 1322-23 (8th Cir. 1986); *Nelson*, 728 F.2d at 1005.

I held a telephonic Rule 16 conference in this matter on March 10, 2017.

Defendant Curtis Rodgers appeared on his own behalf for the conference and demonstrated an understanding of the factual and legal issues in this case better than an appointed attorney ever could. Mr. Rodgers participated in the preparation of the joint scheduling plan and was familiar with procedural rules and the discovery process. He is an experienced litigant, having represented himself as a pro se plaintiff in a prior case brought against the government involving the same legal and factual issues as the present case. *Curtis Rodgers v. Thomas Vilsack*, Case No. 2:14CV81 NAB. It is also unclear whether Mr. Rodgers cannot afford to hire a lawyer, as he was paid over \$1 million dollars for the property rights at issue in this case, and he admitted that the financial information submitted in support of this motion was not accurate. For these reasons, appointment of counsel is not warranted at this time.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for appointment of counsel [16] is **DENIED** without prejudice.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 14th day of March, 2017.